\* BEFORE THE IN RE: PETITION FOR RESIDENTIAL \* ZONING COMMISSIONER ZONING VARIANCE NE/S Bayville Rd., 185 ft. SE of c/l Carrollwood Road \* OF BALTIMORE COUNTY 3804 Bayville Road 15th Election District \* Case No. 92-218-A 5th Councilmanic District Harry R. Starrett, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.8 (211.3,R.6, 1963) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 4.6 ft. side yard setback and a 14.4 ft. side yard setback for a carport, in lieu of 1.65 ft. and 15 ft., respectively, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures and letter from Dr. Luis A. Rosell dated January 15, 1992 substantiating the medical disability of the Petitioner, Harry R. Starrett, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

406.3

## **AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently reside at 3804 Bayville Road Baltimore, Maryland 21220 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Harry K. Stanett AFFIANT (Handwritten Signature) Harry R. Starrett AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

- Street Court of the street

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3 rd day of February 1992 that the Petition for a Zoning Variance from Section 1802.3.8 (211.3, R.6, 1963) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 4.6 ft. side yard setback and a 14.4 ft. side yard setback for a carport, in lieu of 7.65 ft. and 15 ft., respectively, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> Zoning Commissioner for Baltimore County

LES/mmn

112 Charle

Beginning on the northeast side of Bayville Roed; 50 feet wile, at the distance of 185 feet southeast the conterline of Carrollwood Road. Being Lot 43 of Section 3 of Carrollwood, Plat Book 31, Folio 41. Also Known as 3864 Bayville Road containing. 23 of an acre in 15 th Election Destrict.

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District.	Date of Posting 11/11-
Posted for:	
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Posted by Signature	_ Dete of return:/.2.2.2.
Thurber of Signat /	

Baltimore County Government Zoning Commissioner Office of Planning and Zoning. 1.79

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

February 3, 1992

Mr. and Mrs. Harry W. Starrett 3804 Bayville Road Baltimore, Maryland 21220

> RE: Petition for Residential Zoning Variance Case No. 92-218-A

Dear Mr. and Mrs. Starrett:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

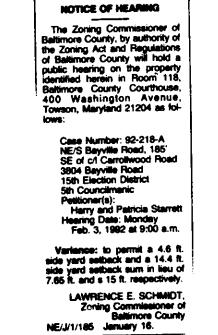
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, / Jan & Shirt Lawrence E. Schmidt Zoning Commissioner

LES:mmn

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 97 2/6 4

District.  Date of Posting.  Posted for:  Location of property: Attack Series Research Series
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Location of property: Att Series & River 195' Still reliand Riv
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Remarks:
Posted by Date of return: 126 9
Signature  Kumber of Signs:



## CERTIFICATE OF PUBLICATION

TOWSON, MD., 1917

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_\_\_. 19 97

THE JEFFERSONIAN.

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section \_\_\_ 1302.3 B. (211.3, R.6, 1963) to permit a 4.6 side yard schlack

and a 14.4 side yard schlack sum in lieu of 7.65 and 15 , respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

Health Reasons.

Contract Purchaser:

(Type or Print Name)

Attorney for Petitioner:

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affi penalties of perjury, that I/we a owner(s) of the property which is this Petition.	re the legal
	Legal Owner(s):	
	Harry R. Starrett (Type or Print Name)	<u> </u>
	Signature / Signature	coff
	Patricia R. Starrett (Type of Print Name)	
	Signature // Class	
	3804 Bayville Road	335 - 4378
	Address	Phone
	Baltimore, Maryland 21220 City/State/Zip Code	
· · · · · · · · · · · · · · · · · · ·	Name, address and phone number of legal owner purchaser or representative to be contacted.	
	Harry R. Starrett or Patricia	R. Starrett
	3804 Bayville Road, Balto, Ma	ryland 21220 Phone 335-6878

DRDERED by the Zoning Commissioner of Baltimore County, this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_

ZONING COMMISSIONER OF BALTIMONE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

REVIEWED BY: 2 PTO CONTROL DATE: 11 TO

Variance: to permit a 4.6 ft. Viside yard setback and a 14.4 ft. idd side yard setback sum in lieu of idd 7.65 ft. and a 15 ft. respectively.

car post -12 1

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Beltimore County in Room 100, County Office Building in Towson, Baltimore County.



ZONING COMMISSIONER OF BALTIMURE COUNTY

CERTIFICATE OF PUBLICATION NOTICE OF HEARING The Zoning Commissioner of Ballimore County, by authority of the Zoning Act and Regulations of Ballimore County will hold a public hearing on the property dentified herein in Room 118, Ballimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: Hearing Date: Monday Feb. 3, 1992 at 9:00 a.m.

THIS IS TO CERTIFY, that the annexed advertisement was publish-

ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing 

> NORTHEAST TIMES BOOSTER and the 5. Take Orlan

11/18/91

PRICE PUBLIC HEARING FEES

010 -ZDNING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: STARRETT

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

TEH # 234 \$60.00 D4AD4#OD24HICHRC

BA CO09:28AM11-15-91

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue

Towson, Maryland 21204

Account: R-001-6150

reseipt

111 West Chesapeake Avenue

DATE: 1/2/192

Towson, MD 2120+

Harry and Patricia Starrett 2804 Bayville Road Baltimore, Maryland 21220

Dear Metitioner(s):

CASE NUMBER: 92-218-A ME/S Bayville Road, 185' SE of c/l Carrollwood Road 1804 Bayville Road 15th Election District - 5th Councilmanic Petitioner(s): Harry and Patricia Starrett

Please be advised that \$ 90.64 is the for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Baltimore County Government Office of Zoning Administration

and Development Management Office of Planning & Zoning

341.4

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON DIRECTOR

Please Make Checks Payable To: Bettimore County \$90.54 na jony/13ams2 83 92

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Zoning Plans Advisory Committe Coments

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

Page 2

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 15th day of November, 1991.

Petitioner: Harry R. Starrett, et ux Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

JAN 0 8 1992,

445 4454

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-218-A ME/S Bayville Road, 185' SE of J/l Carrollwood Road 3804 Bayville Road 15th Election District - oth Councilmanic Petitioner(s): Harry and Patricia Starrett HEARING: MONDAY, FEB. 3, 1992 at 9:00 a.m.

Variance to permait a 4.6 ft. side yard setback and a 14.4 ft. side yard setback sum in lieu of 7.65 ft. and 15 ft. respectively.

BALTIMORE COUNTY, MARYLAND

DATE: November 25, 1991

INTER-OFFICE CORRESPONDENCE

Baltimore County

cc: Harry and Patricia Starrett

Arnold Jablon, Director Zoning Administration and

Development Management

comments.

PK/JL/rdn ITEM183/TXTROZ

Office of Planning at 887-3211.

Pat Keller, Deputy Director

Office of Planning and Zoning

Clayman Property, Item No. 222

Durkee Property, Item No. 223

Blevins Property, Item No. 228 Copinger Property, Item No. 229

Griffith Property, Item No. 230

Sargent/Smith Property, Item No. /232

In reference to the Petitioners' request, staff offers no

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

Starrett Property, Item No. 234

Mass Transit Administration, Item No. 183

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

December 12, 1991

Baltimore County Government Office of Zoning Administration

and Development Management

Office of Planning & Zoning

(410) 887-3353

Mr. & Mrs. Harry R. Starrett 3804 Bayville Road Baltimore, MD 21220

> RE: Item No. 234, Case No. 92-218-A Petitioner: Harry R. Starrett, et ux Petition for Residential Variance

Dear Mr. & Mrs. Starrett:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

> **Baltimore County Government** Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 25, 1991

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: HARRY R. STARRETT Location:

**#3804 BAYVILLE ROAD** 

Zoning Agenda: NOVEMBER 26, 1991 Item No.: 234

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CCRRESPONDENCE

TO: Arnold Jablon, Director DATE: November 26, 1991 Zoning Administration and Development Management

RE: Zoning Advisory Committee Meeting for November 26, 1991

Developers Engineering Division

RWB:3

FROM: Robert W. Bowling, F.E.

The Developers Engineering Division has reviewed the subject coning lower and we have no comments for Items 194 (Cace #82-184-A), 218, 229, 280, 281, 282 and

ZONING OFFICE

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION

Memorandum

Julie Winiarski Office of Zoning Administration and Development Management

A. J. Haley, Acting Director Q HH Economic Development Commission

November 7, 1991

Zoning Advisory Comments for Meeting of November 26, 1991

This office has no comment for items 216, 229, 230, 231, 232, or 234.

BUREAU OF TRAFFIC ENGINEERING

DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

92-218-A

Dec. 14

oclose 100

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 26, 1991

This office has no comments for item numbers 216, 229, 230, 231 and 234.

Traffic Engineer II

DATE: December 12, 1991

RJF/lvd

BALTIMORE COUNTY, MARYLAND Inter-office Correspondence

DATE: January 23, 1992

Lawrence E. Schmidt Zoning Commissioner

Memo to the file

Case No. 92-218A

SUBJECT: Harry R. and Patricia R. Starrett

This was a residential variance with a closing date of December 16, 1991. However, I requested that a hearing be scheduled and same has been set for Februarfy 3, 1992.

I have spoken to Mrs. Starrett and to the Contractor, Joe Byrnes, who is going to construct the carport. I requested that they send in medical documentation of the fact that the carport is a necessity and per my request they have submitted a letter which convinces me that the variance should be granted. In speaking with Mr. Byrnes, I adivsed him that since the hearing has been scheduled and a sign posted, that he should return the sign on the date of the hearing on February 3, 1992 and that I would give him the Order on the date because it is not anticipated to be any opposition at that time. He can then go foward immediately and get his permit completed. I also told him that I would check into the possibility of waiving or reducing the advertising costs.

LES:mmn

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

January 6, 1992

(410) 887-3353

Harry and Patricia Starrett 3804 Bayville Road Baltimore, Maryland 21220

Re: CASE NUMBER: 92-218-A

Dear Petitioners:

111 West Chesapeake Avenue

Towson, MD 21204

Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the repostig and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Zoning Commissioner of Baltimore County, Maryland Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

NOVEMBER 20, 1991

887-3353

Harry and Patricia Starrett 3804 Bayville Road Baltimore, Maryland 21220

Towson, MD 21204

Re: CASE NUMBER: 92-218-A LOCATION: NE/S Bayville Road, 185' SE of c/l Carrollwood Road 3804 Bayville Road 15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 1, 1991. The closing date is December 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Pailure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

November 26, 1991

Mr. Lawrence E. Schmidt Zoning Commissioner, Baltimore County Baltimore County Office of Zoning Administration and Development Management

111 West Chesapeake Ávenue Towson, Maryland 21204

Re: Case Number: 92-218-A NE/S Bayville Road, 185' SE of c/1 Carrollwood Road 3804 Bayville Road

15th Election District - 5th Councilmanic

Dear Mr. Schmidt:

We have requested a variance for the above captioned property for a carport to be added to our home. When we filed for the variance, we said that it was requested because of health reasons.

On December 27, 1989, my husband, Harry R. Starrett, underwent surgery for a cancerous larynx. His surgeon, Dr. Luis Rosell, who is a affiliated with Maryland General Hospital performed a total laryngectomy. Due to complications, he was in Maryland General for 23 days and on a feeding tube until April 13, 1990. Since the surgery, he is more susceptible to respiratory infections. We believe that having a carport would give him more protection during periods of inclement weather.

We would appreciate it if you would take this into consideration when reviewing our request.

Very truly yours,

Patricia R. Starrétt (Mrs. Harry R. Starrett) 3804 Bayville Road Baltimore, Maryland 21220

LUIS A. ROSELL, M.D., P.A. Otolaryngology - Head & Neck Surgery

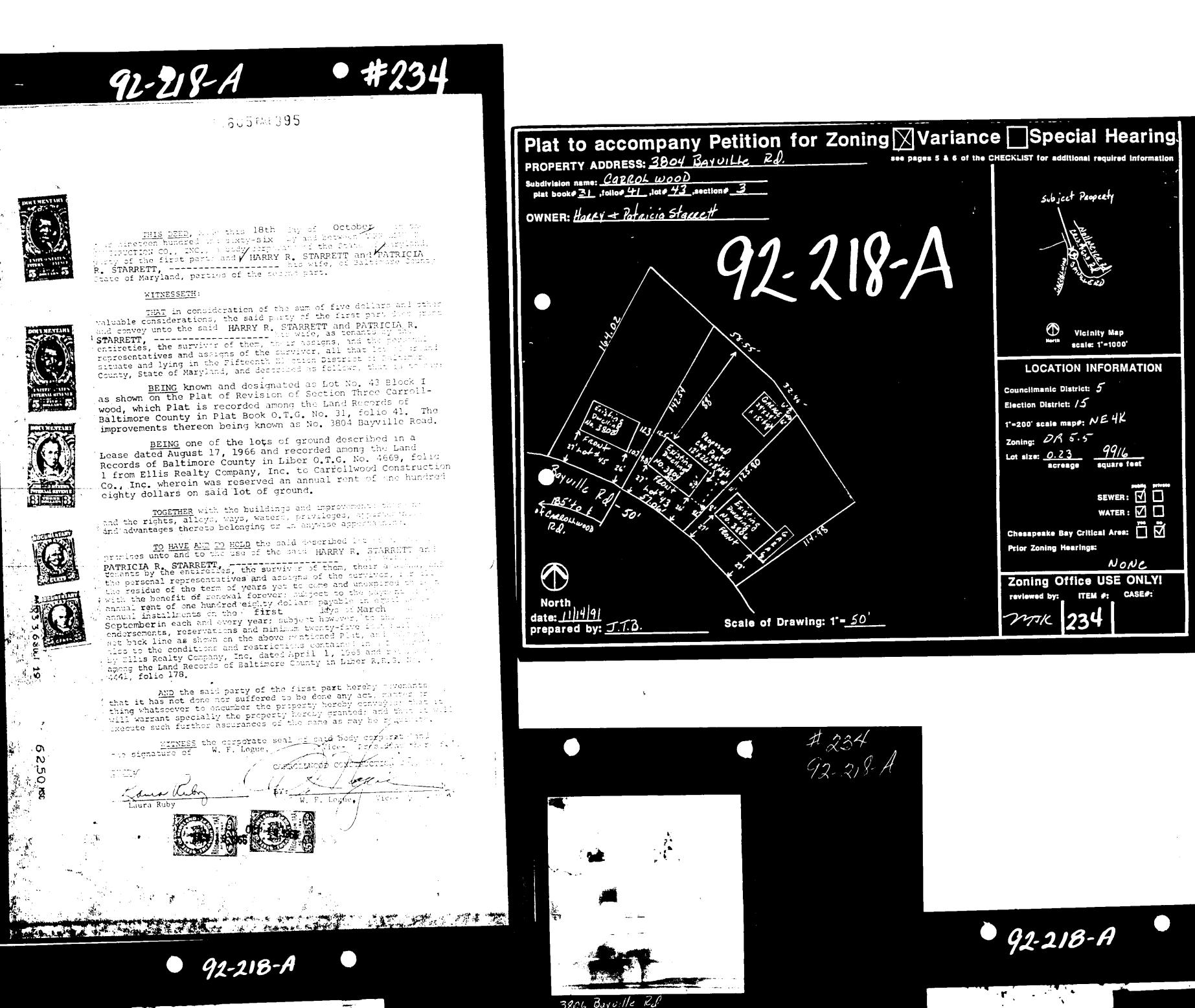
Ophthalmology

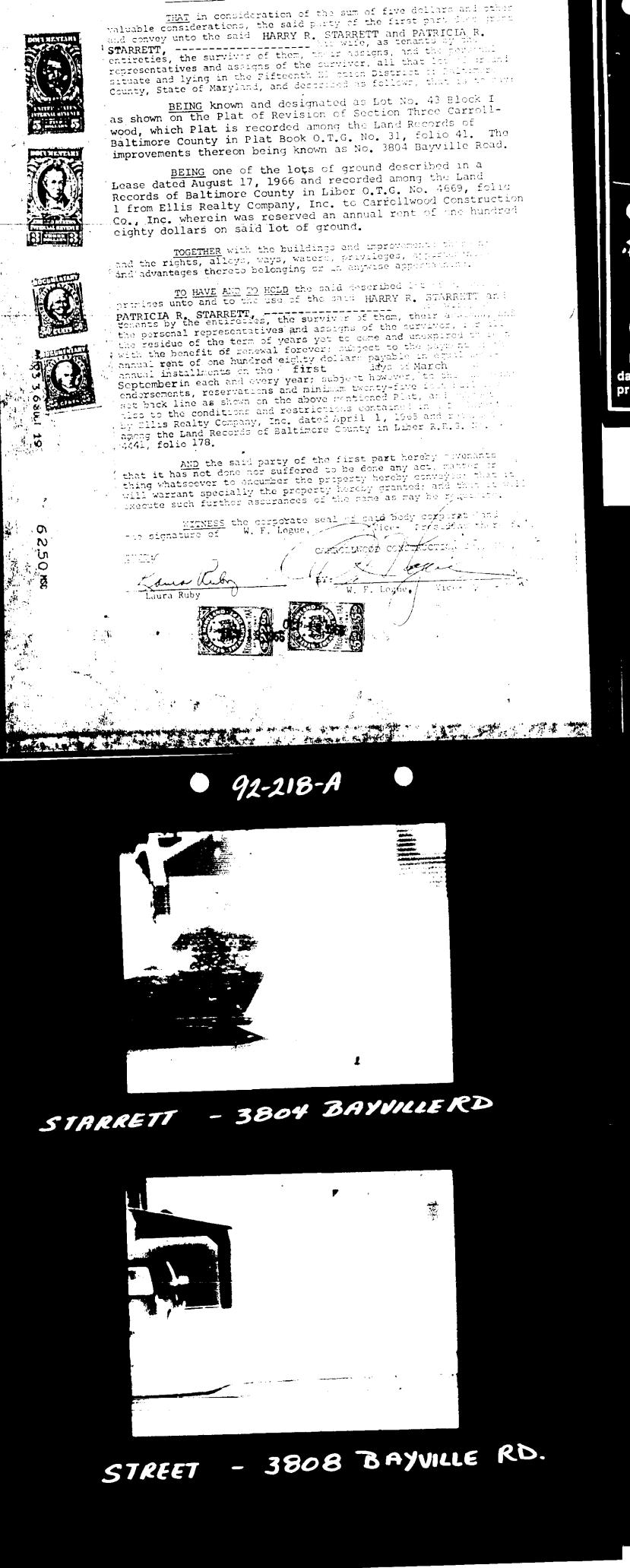
300 Armory Pl 3M Baltimore, MD 21201 Phone: (301) 669-0090 1825 Eastern Boulevard Baltimore, MD 21221

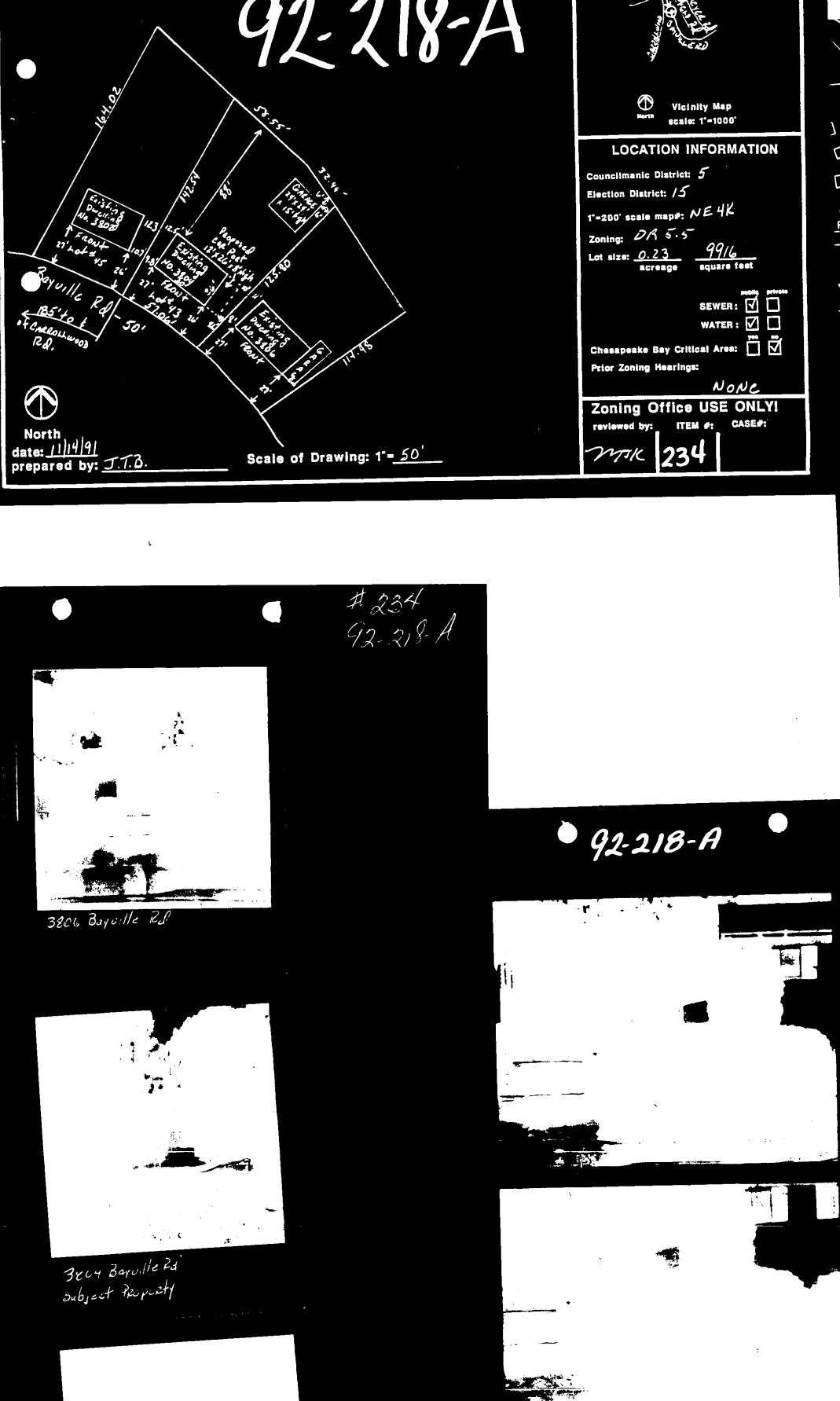
Phone: (301) 687-4407

Boltinare 1-15-92

him four bad weether avoiding clist cold out brouchitis. Thouship snow







BRANDENBURG

3808 Bayville Rd

Subject Paoperty

